

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF MARC A. FENSTER IN SUPPORT OF PLAINTIFF
HEADWATER RESEARCH LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

I, Marc A. Fenster, declare and state as follows:

1. I am a member of the State Bar of California and a partner at the firm of Russ August & Kabat, counsel of record for Plaintiff Headwater Research LLC in the above-captioned action. I submit this declaration in support of Plaintiff's Opening Claim Construction Brief. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 9,137,701, dated September 15, 2015.

3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 9,143,976, dated September 22, 2015.

4. Attached as Exhibit 3 is a true and correct copy of U.S. Patent No. 9,271,184, dated February 23, 2016.

5. Attached as Exhibit 4 is a true and correct copy of U.S. Patent No. 9,277,433, dated March 1, 2016.

6. Attached as Exhibit 5 is a true and correct copy of U.S. Patent No. 9,277,445, dated March 1, 2016.

7. Attached as Exhibit 6 is a true and correct copy of U.S. Patent No. 9,521,578, dated December 13, 2016.

8. Attached as Exhibit 7 is a true and correct copy of U.S. Patent No. 9,609,544, dated March 28, 2017.

9. Attached as Exhibit 8 is a true and correct copy of the Declaration of Dr. Douglas Chrissan, Plaintiff's claim construction expert, dated November 28, 2023.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from Webster's II New Riverside Desk Dictionary (HW_00046171).

11. Attached as Exhibit 10 is a true and correct copy of Google.com, <https://www.google.com/search?q=google+definition+perception> (HW_00046173).

12. Attached as Exhibit 11 is a true and correct copy of Human Machine Interaction: Research Results of the MMI Program, 2009 (HW_00046174 – HW_00046178).

13. Attached as Exhibit 12 is a true and correct copy of Merriam-Webster, <https://www.merriam-webster.com/dictionary/perceive> (HW_00046187).

14. Attached as Exhibit 13 is a true and correct copy of Dictionary.com, <https://www.dictionary.com/browse/perceiving> (HW_00046191).

Executed on January 5, 2024.

/s/ Marc A. Fenster
Marc A. Fenster